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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1308 of 2002

Petitioner:		Mahendra Yadav, S/o Late Shri U. S. Yadav, aged about 30 years, R/o Arvind Marg, Kirtikunj, Sarkanda, Bilaspur (C.G.).
	Versus	
Respondents:	1.	State of Chhattisgarh, Through- Secretary, Public Works Department, D.K. Bhawan, Raipur.
	2.	Collector, Bilaspur.
	3.	Chief Engineer (East) Public Works Department, Bilaspur.
	4.	Executive Engineer, Public Works Department, Bilaspur.
	5.	Superintending Engineer, Public Works Department, (Electrical Division), Raipur.
	6.	Commissioner, Bilaspur.
	7.	State of Madhya Pradesh through the Secretary, Public Works Department, Bhopal (M.P.).
	8.	Union of India, Through the Secretary, Department/Ministry of the Human Resources & Development, New Delhi.

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Manoj Dubey, Advocate for the petitioner.

Shri Alok Bakshi, Govt. Advocate for the Respondents No. 1 to 6.

None for the respondents No. 7 and 8.

ORAL ORDER

(31st January, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel for the petitioner submits that father (Late U. S. Yadav) of the petitioner died on 1.5.1998 in harness while working as Assistant Grade-II in Public Works Department of the State Government. The petitioner being son and dependant filed

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an application for considering his case for compassionate appointment on 28.5.1998 (Annexure P/2) but the case of the petitioner has yet not been considered.

2. Learned counsel for the petitioner submits that several petitions of identical nature for appointment on compassionate basis were considered by this Court and they have been decided by order dated 28th December, 2005 wherein this Court passed the following order:-

> "5. So far as the present cases are concerned, learned Dy. Advocate Generals made a statement that the State of Chhattisgarh has taken a decision to consider the cases three years prior to reorganization i.e. those State employees whose death occurred on or after 1.11.1997 and strictly in accordance with the policy prevalent at the time of death of an employee. This statement is recorded.
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> 6. Learned counsel appearing for the respective petitioners in the bunch of cases categorically stated that in each and every case the death of the employee has occurred on or after 1.11.1997 and not earlier. Learned counsel further submitted that their cases may be considered and decision may be taken at the earliest. They also submitted that the petitioners will render due cooperation to the authorities. This statement is also recorded.
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> 7. Learned counsel for the State submit that in every petition three sets have been filed by the petitioners; in some cases extra sets are required by them which may be allowed to be taken by them from the Court record. The State counsel may take the extra sets from the office wherever they require. They also pray for three months time to decide the cases of the petitioners.
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> 8. In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court ends of justice will be served if a direction is given to the State

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and the authorities concerned to consider and decide the cases of the petitioners' dependents of the employees who died on 1.11.1997 and thereafter in accordance with the policy which was in force at the time of death of the employee. Each and every individual case will be decided and if the person found eligible, appointment orders will be issued as early as possible on or before 30th April, 2006. The petitioners are also directed to render due cooperation to the authorities. It is made clear that if any grievance still remains, the petitioners may avail the remedy available under the law including filing of the petition before this Court.

9. Subject to the aforesaid directions and observations, all these petitions stand disposed of with the aforesaid liberty.

10. Consequently, pending applications, if any, also stand disposed of, in some cases applications seeking formal amendments regarding correction of cause title etc. have been filed. They are allowed. The amendment be incorporated and the corrections if any be made."

3. The facts of the present case are admittedly squarely covered by the judgment and order dated 20.12.2005 passed by this Court in W.P.No. 731/2004 (Dumendra Singh Pisda Vs. State of Chhattisgarh & others) and other connected matters.

4. In view of the foregoing, the present petition is accordingly allowed in terms of the order passed in W.P.No. 731/2004. No order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

Thakur